



Milwaukee Police Department
Police Administration Building
749 West State Street
Milwaukee, Wisconsin 53233
<http://www.milwaukee.gov/police>

Alfonso Morales
Chief of Police

(414) 933-4444

August 13, 2019

MuckRock News
DEPT MR 75935
411A Highland Ave
Somerville, MA 02144-2516

Dear Emma Best:

This letter is in response to your records request dated June 28, 2019, in which you have made a request for records pursuant to the Wisconsin Public Records Law. Wis. Stat. §§ 19.31-39. You have requested:

- *Copies of any Memoranda of Agreement (MOA's), Memoranda of Understanding (MOU's), memoranda of agreement or other liaison, information sharing or prisoner/detainee transfer agreements or delegations of authority with or involving Immigration and Customs Enforcement signed or otherwise put into effect between March 1, 2003 and present. (See attached request)*

The public policy in this state is to give the public the greatest amount of access to government records as possible. Wis. Stat. § 19.31. The general presumption is that government records are open to the public unless there is a clear statutory or common law exception. If there is no clear statutory or common law exception the custodian must "decide whether the strong presumption favoring access and disclosure is overcome by some even stronger public policy favoring limited access or nondisclosure." *Hempel v. City of Baraboo*, 2005 WI 120, § 28 (Citations omitted). Notwithstanding the presumption of openness, the public's right to access to public records is not absolute. *Journal/Sentinel v. Agerup*, 145 Wis. 2d 818, 822 (Ct. App. 1988).

Upon review of your request and upon inspection of MPD's records, the records custodian has determined that there are no records that are responsive to your request for Copies of any Memoranda of Agreement (MOA's), Memoranda of Understanding (MOU's), memoranda of agreement or other liaison, information sharing or prisoner/detainee transfer agreements or delegations of authority with or involving Immigration and Customs Enforcement signed or otherwise put into effect between March 1, 2003 and present. Under Wisconsin law, a records custodian need not create a new record in response to a records request for a nonexistent record. Wis. Stat. § 19.35(1)(L).

This determination is subject to review by *mandamus* action under Wis. Stat. § 19.37(1), or upon an application to the Wisconsin Attorney General or the Milwaukee County Corporation Counsel.

Sincerely,

ALFONSO MORALES
CHIEF OF POLICE

KERRY NAMIN
POLICE SERGEANT

AM:KN:sw
J12320 Reference Number

MuckRock News
DEPT MR 75935
411A Highland Ave
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75935-17518360@requests.muckrock.com

Milwaukee Police Department
ORA Office
P.O. Box 531
Milwaukee, WI 53210

June 28, 2019

To Whom It May Concern:

Pursuant to the Wisconsin Open Records Act, I hereby request the following records:

JUL 8 PM 12:32

Copies of any Memoranda of Agreement (MOAs), Memoranda of Understanding (MOUs), memoranda of agreement or other liaison, information sharing or prisoner/detainee transfer agreements or delegations of authority with or involving Immigration and Customs Enforcement signed or otherwise put into effect between March 1, 2003 and the present. This includes but is not limited to any agreements entered into under or a result of Section 287(g) of the Immigration and Nationality Act.

I am a member of the news media and request classification as such. I have previously written about the government and its activities, with some reaching over 100,000 readers. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through non-profits such as the Internet Archive and MuckRock, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days.

Sincerely,

Emma Best

J12320

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75935-17518360@requests.muckrock.com

Filed via MuckRock.com
E-mail (Preferred): 75935-17518360@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News
DEPT MR 75935
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.